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12 Attorneys for Plaintiff,
13 LIGHTS OUT HOLDINGS, LLC

14
15 **UNITED STATES DISTRICT COURT**
16
17 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

18
19 LIGHTS OUT HOLDINGS, LLC, a
20 California limited liability company,

21 Plaintiff,

22 v.

23
24 LIGHTS OUT APPAREL, LLC, a
25 Maryland limited liability company;
26 JACOB LAWSON and ZACHARY
27 KOSOJET, individuals d/b/a LIGHTS
28 OUT BILLIARDS APPAREL; and
DOES 1 through 10, inclusive,

Defendants.

Case No. **'16CV2195 JAH NLS**

COMPLAINT FOR:

- (1) TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114);**
- (2) FEDERAL TRADEMARK
DILUTION (15 U.S.C. § 1125(c));**
- (3) UNFAIR COMPETITION AND
FALSE DESIGNATION OF
ORIGIN (15 U.S.C. § 1125(a));**
- (4) COMMON LAW TRADEMARK
INFRINGEMENT**
- (5) CALIFORNIA TRADEMARK
DILUTION (Cal. Bus. & Prof. §
14247);**
- (6) UNFAIR COMPETITION (Cal.
Bus. & Prof. § 17200); and**
- (7) VIOLATION OF THE FEDERAL
ANTICYBERSQUATTING
CONSUMER PROTECTION ACT
(15 U.S.C. § 1125(d))**

DEMAND FOR JURY TRIAL

1 Plaintiff Lights Out Holdings, LLC (“Lights Out Holdings” or “Plaintiff”) by
2 and through this Complaint against Defendants Lights Out Apparel, LLC (“Lights Out
3 Apparel”), and Jacob Lawson (“Lawson”) and Zachary Kosojet (“Kosojet”),
4 individuals doing business as Lights Out Billiards Apparel (“Lights Out Billiards
5 Apparel”), and DOES 1 through 10, inclusive, (each a “Defendant” and collectively,
6 “Defendants”) alleges to the Court as follows:

7 **JURISDICTION AND VENUE**

8 1. This Court has original jurisdiction over this action pursuant to 28 U.S.C.
9 §§ 1331 and 1338(a) and (b), because this action arises under the laws of the United
10 States – namely, the Lanham Act. This Court has supplemental jurisdiction pursuant
11 to 28 U.S.C. § 1337(a) of the related state law claims that are factually interdependent
12 with the federal law claims, and that arise from the same case or controversy.

13 2. This Court also has original jurisdiction pursuant to 28 U.S.C. § 1332 as
14 Plaintiff and all Defendants are citizens of different states and the amount in
15 controversy exceeds \$75,000.

16 3. This Court has personal jurisdiction over Defendants in that they transact
17 substantial business in the State of California.

18 4. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b)(1)
19 because Defendants have significant contacts within this judicial district.

20 5. Venue is also proper in this District pursuant to 28 U.S.C. § 1331(b)(2)
21 because a substantial part of the facts giving rise to the acts or omissions alleged
22 herein took place in this District.

23 6. Venue is also proper in this District pursuant to 28 U.S.C. §§ 1331(b)(3)
24 and 1331(c)(2) because Defendants are individuals and business entities subject to this
25 Court’s personal jurisdiction.

26 **THE PARTIES**

27 7. Plaintiff Lights Out Holdings is a California limited liability company,
28 organized and operating under the laws of the State of California, having its principal

1 place of business at 10960 Wilshire Blvd. Los Angeles, California 90024.

2 8. Upon information and belief, Defendant Lights Out Apparel is a
3 Maryland limited liability company having its principal place of business at 2812
4 Whitman Court, Manchester, Maryland, 21102. A true and correct copy of its Articles
5 of Organization, reflecting its business address is attached hereto as **Exhibit 1**. A true
6 and correct copy of its record of general business information with the Maryland
7 Department of Assessments & Taxation, reflecting its active status as of August 22,
8 2016, is attached hereto as **Exhibit 2**.

9 9. Upon information and belief, Defendant Lawson is a Maryland resident.

10 10. Upon information and belief, Defendant Kosojet is a Maryland resident.

11 11. Upon information and belief, Defendant Lawson is an owner, and the
12 Chief Executive Officer, of Defendant Lights Out Apparel.

13 12. Upon information and belief, Defendant Kosojet is an owner, and the
14 Chief Operating Officer, of Defendant Lights Out Apparel.

15 13. Upon information and belief, Defendants Lawson and Kosojet also do
16 business as Lights Out Billiards Apparel in their individual capacities, with their
17 principal place of business at 2812 Whitman Court, Manchester, Maryland, 21102. A
18 true and correct copy of the Trade Name Application for Lights Out Billiards Apparel,
19 reflecting Defendants Lawson and Kosojet as the legal owners of said trade name in
20 their individual capacities, and operating at the above address, is attached hereto as
21 **Exhibit 3**. A true and correct copy of the entity's general business information with
22 the Maryland Department of Assessments & Taxation, reflecting its active status as of
23 August 22, 2016, is attached hereto as **Exhibit 4**.

24 14. Plaintiff is ignorant of the true names and capacities of the defendants
25 sued herein as DOES 1 through 10, inclusive, and therefore sues these defendants by
26 such fictitious names. Plaintiff will seek to amend this Complaint to allege such
27 names and capacities as soon as they are ascertained. Plaintiff is informed and
28 believes, and on that basis alleges, that each of the fictitiously-named defendants is in

1 some manner responsible, liable and/or obligated to Plaintiff in connection with the
2 acts alleged herein.

3 15. Plaintiff is informed and believes, and thereon alleges that at all times
4 mentioned herein, each of the Defendants shared a unity of interest. Specifically, each
5 of the Defendants are the alter ego of each other, in that each is not only influenced
6 and governed by each other, but there exists such a unity of interest between them that
7 the individuality and separateness of each of them have ceased, and the facts are such
8 that an adherence to the fiction of the separate existence of each them would, under
9 the particular circumstances, sanction a fraud or promote injustice.

10 16. Upon information and belief, Defendants have directed ongoing and
11 substantial commercial activities within the State of California and in the County of
12 San Diego, including without limitation the Southern District of California.

13 **NATURE OF THE ACTION**

14 17. Plaintiff Lights Out Holdings is the owner of numerous registered and
15 pending trademarks, including but not limited to a family of highly distinctive
16 trademarks consisting of or including the term “Lights Out,” (the “LIGHTS OUT”
17 mark), which Plaintiff has used in interstate commerce since 2007 in connection with
18 a variety of athletic apparel and related goods throughout the United States.

19 18. Defendants as using the identical LIGHTS OUT mark in connection with
20 their own athletic apparel and related goods business, located in the state of Maryland,
21 operating under the names Lights Out Apparel and Lights Out Billiards Apparel.

22 19. Earlier this year, Defendants filed two pending trademark applications
23 with the U.S. Patent and Trademark Office (“USPTO”) for the marks “Lights Outs
24 Billiards Apparel” and “Lights Out Billiards Apparel 9 8” for use in connection with
25 apparel and related goods.

26 20. Defendants are also selling LIGHTS OUT branded athletic clothing and
27 related goods and services at the above mentioned location and online, including to
28 consumers in this judicial district.

21. Upon learning of Defendants' infringing behavior, Plaintiff sent a cease and desist letter to Defendants on August 5, 2016, demanding that Defendants cease and desist all further uses of Plaintiff's LIGHTS OUT mark, or any other terms which are confusingly similar to LIGHTS OUT, in connection with their business.

22. Although Defendants have been made aware of Plaintiff's prior trademark rights, Defendants are still using the LIGHTS OUT mark in connection with athletic apparel and related goods.

23. Plaintiff brings this action for trademark infringement, trademark dilution, unfair competition and related offenses arising from Defendants' unlawful use of Plaintiff's LIGHTS OUT mark.

ALLEGATIONS

A. Plaintiff's Founder: Shawne Merriman

24. Plaintiff's founder and principal, Shawne Merriman, is a former professional football player who was a linebacker in the National Football League ("NFL") from 2005 through 2012.

25. Prior to his NFL career, Mr. Merriman earned the nickname “Lights Out” at Frederick Douglass High School in the State of Maryland, for legendarily rendering four opposing players unconscious in the first half of one football game. After High School, beginning in 2002, Mr. Merriman played football for the University of Maryland, where he earned national attention for his football prowess. After College, Mr. Merriman was drafted in the first round of the 2005 NFL Draft (12th overall) by the San Diego Chargers.

26. Mr. Merriman earned many awards and accolades during his NFL career, including *Sporting News* Rookie of the Year (2005), Professional Football Writers Association Defensive Rookie of the Year (2005), Associate Press NFL Defensive Rookie of the Year (2005), NFL Sacks Leader (2006), three-time All-Pro selection (2005-2007), and three-time Pro Bowl selection (2005-2007). His professional successes helped garner both national and international attention to his nickname,

1 “Lights Out.”

2 **B. Plaintiff’s LIGHTS OUT Mark**

3 27. In 2007, Mr. Merriman decided to develop a “Lights Out” clothing brand
4 based on his nickname. In furtherance of that vision, in July 2007, Mr. Merriman
5 acquired and was assigned the entire interest in and to U.S. Registration No.
6 2,885,212 (the “212 Registration”) for the trademark LIGHTS OUT (the “LIGHTS
7 OUT” mark) for use in connection with, *inter alia*, clothing in International Class 25,
8 from the prior and original owner, Loomworks Apparel, Inc., a California corporation
9 (“Loomworks”). A true and correct copy of the Certificate of Registration for the
10 LIGHTS OUT mark is attached hereto as **Exhibit 5**.

11 28. As reflected by Certificate of Registration, the LIGHTS OUT mark has a
12 priority date of February 10, 2003, a first date of commercial use of June 11, 2004,
13 and became federally registered on September 14, 2004.

14 29. On October 22, 2007, Mr. Merriman founded Plaintiff, Lights Out
15 Holdings, LLC, and assigned the 212 Registration in its entirety to Plaintiff on
16 January 29, 2008. A true and correct copy of the assignment record for the 212
17 Registration from the United States Patent and Trademark Office (USPTO)’s online
18 trademark assignment database, reflecting all of the above-referenced assignments,
19 and that Plaintiff is the current owner of the 212 Registration, is attached hereto as
20 **Exhibit 6**.

21 30. As a result of Plaintiff’s acquisition of the 212 Registration in October
22 2007, Plaintiff owns all right, title, and interest in and to the LIGHTS OUT mark for a
23 wide range of goods, including but not limited to “Clothing and shoes for men,
24 women and children, namely . . . athletic uniforms, . . . caps, . . . coats, . . . hats, . . .
25 jackets, . . . jerseys, . . . knit shirts, . . . overcoats, . . . polo shirts, . . . shirts, . . . sport
26 coats, sport shirts, . . . sweatshirts, . . . tops, . . . [and] t-shirts.” as reflected on the
27 Certificate of Registration.

28 31. Since acquiring the 212 Registration, Plaintiff has continuously and

1 extensively used the LIGHTS OUT mark in connection with clothing, including,
2 without limitation, t-shirts and hats.

3 Plaintiff's LIGHTS OUT branded clothing have enjoyed substantial
4 success and popularity both nationwide and internationally, including within this
5 judicial district, and have been sold by retailers such as Wal-Mart,
6 ShawneMerriman.com, and LightOutBrand.com, among others.

7 33. The 212 Registration is valid and subsisting and provides *prima facie*
8 evidence of Plaintiff's ownership of and exclusive right to use the LIGHTS OUT
9 mark in the United States in connection with a wide range of clothing, including t-
10 shirts and hats.

11 34. The 212 Registration, and therefore Plaintiff's LIGHTS OUT mark,
12 became incontestable on September 15, 2010.

13 35. Plaintiff's LIGHTS OUT mark is inherently distinctive.

14 36. By virtue of Plaintiff's and its predecessor-in-interests' continuous and
15 exclusive use in the United States of the LIGHTS OUT mark on clothing since at least
16 2004, the LIGHTS OUT mark has further acquired distinctiveness. That is, the public
17 has come to associate the LIGHTS OUT mark with high-quality clothing,
18 consequently allowing Plaintiff to build a valuable reputation in connection with its
19 LIGHTS OUT mark.

20 37. In addition to the 212 Registration, Plaintiff exclusively owns and
21 controls several other registered and pending LIGHTS OUT marks, as reflected in the
22 table attached hereto as **Exhibit 7**.

23 38. Especially relevant here, among Plaintiff's family of LIGHTS OUT
24 marks, in addition to the 212 Registration, Plaintiff also owns all rights in and to the
25 following related marks:

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<u>Mark</u>	<u>Reg. No. / Serial No.</u>	<u>International Class(es)</u>	<u>Goods/Services</u>
LIGHTS OUT	3990916	35	Online retail store featuring sporting goods, sports memorabilia, clothing; promoting the goods and services of others through the issuance of product and service endorsements by a sports celebrity.
LIGHTS OUT	4242170	35	Promoting the goods and services of others through licensing of the identity, name, nickname, and image of a sports celebrity.
LIGHTS OUT	4667833	18; and 25	Luggage; tote bags, duffle bags, gym bags, all-purpose sport bags and backpacks; sports luggage and gym bags; Muscle shirts.
LIGHTS OUT	86888080	25	Footwear, athletic footwear.
LIGHTS OUT NETWORK	86561783	38; and 41	Television transmission and broadcasting services; Entertainment services in the nature of television programs, interactive television programs, contests, competitions, sporting events in the field of sports and fitness; . . . entertainment services, namely, providing a web site featuring non-downloadable video clips, film clips and other multimedia materials all featuring games or sports; entertainment services, namely, provision of on-going multimedia programs in the field of sports distributed via various platforms across multiple forms of transmission media; providing on-line entertainment information in the field of sports and fitness.

<u>Mark</u>	<u>Reg. No. / Serial No.</u>	<u>International Class(es)</u>	<u>Goods/Services</u>
LIGHTS OUT TV	86561760	38; and 41	Television transmission and broadcasting services; Entertainment services in the nature of television programs, interactive television programs, contests, competitions, sporting events in the field of sports and fitness; entertainment services, namely, providing a web site featuring non-downloadable video clips, film clips and other multimedia materials all featuring games or sports; entertainment services, namely, provision of on-going multimedia programs in the field of sports distributed via various platforms across multiple forms of transmission media; providing on-line entertainment information in the field of sports and fitness.
LIGHTS OUT	85968807	24	Home furnishings, namely towels.

39. Plaintiff has expended considerable time, effort and money in advertising and otherwise promoting its clothing and encouraging the public and trade to recognize its LIGHTS OUT mark. As such, Plaintiff has acquired extensive goodwill in its LIGHTS OUT mark in connection with athletic clothing and related goods.

40. As a result of the longstanding, continuous and extensive use of Plaintiff's LIGHTS OUT mark, the LIGHTS OUT mark has become famous in the minds of consumers in connection with clothing.

41. Plaintiff controls use of the LIGHTS OUT mark by its authorized distributors and licensees in the United States and other parts of the world.

C. Defendants' Infringing Activities

42. Upon information and belief, long after Plaintiff had established and

1 incontestable rights to its LIGHTS OUT mark, and with full knowledge of Plaintiff's
2 rights to the LIGHTS OUT mark, Defendants began using the identical LIGHTS OUT
3 mark in connection with the sales of athletic clothing and related goods without
4 Plaintiff's authorization.

5 43. Examples of the marks Defendants are using in connection with their
6 products, including but not limited to on their products and websites,
7 www.LightsOutBilliards.com and www.LightsOutApparelCompany.com are shown
8 below:

9 Fig. 1



10 Fig. 2



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15 44. Specifically, upon information and belief, beginning in 2016, Defendants
16 began promoting and selling LIGHTS OUT branded t-shirts, hats, and towels online
17 to consumers throughout the United States, including within Southern California and
18 this judicial district in particular.

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22 45. Examples of these infringing LIGHTS OUT branded clothing and related
23 goods, being offered for sale online at www.LightsOutBilliards.com, are shown
24 below:

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Fig. 3



Fig. 4



Fig. 5



Fig. 6



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Fig. 8



Fig. 9



46. Further, Defendants are promoting sales of their infringing LIGHTS OUT branded clothing through the use of celebrity endorsements from professional billiards players Shaun Wilkie and Chezka Centeno. True and correct copies of pages from Defendants' website, reflecting these celebrity endorsements, are collectively

1 attached hereto as **Exhibit 8**.

2 47. Additionally, Defendants have filed two pending trademark applications
3 with the U.S. Patent and Trademark Office (“USPTO”) for the marks “Lights Outs
4 Billiards Apparel” and “Lights Out Billiards Apparel 9 8” for use in connection with
5 apparel and related goods.

6 48. Specifically, on or about July 12, 2016, Defendants filed U.S. trademark
7 application serial number 87100744 (the “‘744 Application”), for the standard
8 character mark “Lights Out Billiards Apparel,” on an intent-to-use basis in
9 International Class 25 for “T-shirts, hats, pants, Hoodies, Polo shirt, Button Down
10 Shirts, and socks, Boxers, [and] Tank Tops.”

11 49. Additionally, on or about July 22, 2016, Defendants filed U.S. trademark
12 application serial number 87113091 (the “‘091 Application”), for the composite mark
13 “Lights Out Billiards Apparel 9 8” in the form shown below:



21 50. Defendants filed the ‘091 Application on an intent-to-use basis in
22 International Class 25 for “T-Shirts, hats, Hooded sweatshirts, Socks, Pants, Beanies,
23 Tank Tops, Underwear, [and] Sweatshirts.”

24 51. Upon information and belief, Defendants have all assisted, cooperated
25 with and conspired with one another to create, acquire, purchase, advertise, promote,
26 distribute and/or sell products bearing Plaintiff’s LIGHTS OUT mark through various
27 means without Plaintiff’s authorization.

28 52. As a result of Defendants’ above-described conduct, Plaintiff has

suffered monetary damages in an amount to be proven at trial.

53. Unless enjoined, Defendants will continue to use Plaintiff's LIGHTS OUT mark in connection with clothing, which is likely to cause consumer confusion and dilute the strength and valuable reputation of Plaintiff's LIGHTS OUT mark.

54. Accordingly, Plaintiff brings this action for trademark infringement, trademark dilution, unfair competition and related offenses arising from Defendants' unlawful uses of Plaintiff's **LIGHTS OUT** mark.

COUNT ONE

(Federal Trademark Infringement)

(15 U.S.C. § 1114)

(Against All Defendants)

55. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1-54 above herein.

56. The federally registered LIGHTS OUT mark and goodwill of the business associated therewith in the United States are of great and incalculable value, highly distinctive and arbitrary and have become associated in the public mind with products of the highest quality and reputation with Plaintiff as the source of origin.

57. Upon information and belief, without Plaintiff's authorization or consent, and having knowledge of Plaintiff's well-known and prior rights in the LIGHTS OUT mark, Defendants have used and are using the LIGHTS OUT mark in connection with sales of unauthorized apparel, including t-shirts, hats, and towels.

58. Upon information and belief, Defendants' unauthorized sales of LIGHTS OUT branded athletic clothing and related goods are marketed to the same consumers and in direct competition with Plaintiff's own LIGHTS OUT branded clothes, in or affecting interstate commerce.

59. Defendants' use in commerce of the identical LIGHTS OUT mark is likely to deceive the public into believing that Defendants' sales of LIGHTS OUT branded goods are authorized by Plaintiff, all to the damage and detriment of

Plaintiff's reputation, goodwill and sales.

60. Defendants' acts constitute willful trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

61. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation. Plaintiff is therefore entitled to injunctive relief pursuant to 15 U.S.C. § 1116.

62. Pursuant to 15 U.S.C. § 1117, Plaintiff is entitled to recover damages in an amount to be determined at trial, including actual damages and profits made by Defendants on sales of its unauthorized products, and the costs of this action. Furthermore, the foregoing actions of Defendants were undertaken willfully and with the intention to cause confusion, mistake, or deception, thus making this case exceptional under the Lanham Act and entitling Plaintiff to recover enhanced damages and reasonable attorneys' fees.

COUNT TWO

(Unfair Competition and False Designation of Origin)

(15 U.S.C. § 1125(a))

(Against All Defendants)

63. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1-62 above herein.

64. Defendants are using Plaintiff's registered LIGHTS OUT mark without authorization from Plaintiff in connection with the sales of athletic clothing and related goods that are of the same general nature and type as those that Plaintiff has long used in connection with its own registered LIGHTS OUT mark.

65. Defendants' unauthorized uses of the LIGHTS OUT mark are likely to cause confusion to the general purchasing public.

66. By misappropriating and using the LIGHTS OUT mark, Defendants misrepresent and falsely describe to the general public the origin and source of their

unauthorized products and create a likelihood of confusion by ultimate purchasers as to both the source and sponsorship of such products.

67. Defendants' unlawful, unauthorized, and unlicensed offers for sale and sales of LIGHTS OUT branded athletic clothing and related goods create express and implied misrepresentations that those products are authorized or approved for sale by Plaintiff, all to Defendants' profit and Plaintiff's great damage and injury.

68. Defendants' aforesaid acts are in violation of Section 43(a) of the Lanham Act, 15. U.S.C. § 1125(a), in that Defendants' uses of the LIGHTS OUT mark, in connection with Defendants' goods, in interstate commerce constitutes trademark infringement, a false designation of origin, and unfair competition.

69. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its business, goodwill and reputation.

70. As a result of Defendants' activities, Plaintiff has been damaged in an amount to be determined at trial, and including but not limited to the costs of this action. Furthermore, Defendants' continued willful violation of Plaintiff's rights with full knowledge of said rights entitles Plaintiff to recover enhanced damages and reasonable attorneys' fees.

COUNT THREE

(Federal Trademark Dilution)

(15. U.S.C. § 1125(c))

(Against All Defendants)

71. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1-70 above herein.

72. The LIGHTS OUT mark is “famous” within the meaning of Section 43(c) of the Lanham Act, 15. U.S.C. § 1125(c)(1) and has been famous prior to Defendants’ conduct as alleged herein.

73. Defendants' use, advertisement, offers for sale, and sales in commerce of

LIGHTS OUT branded clothing, without authorization from Plaintiff, dilutes the distinctive quality of the LIGHTS OUT mark and is being done with the willful intent to trade on Plaintiff's reputation and/or to cause dilution of the LIGHTS OUT mark.

74. Defendants' unauthorized use of the LIGHTS OUT mark is likely to and does dilute Plaintiff's LIGHTS OUT mark, both by blurring the distinctiveness of the mark and by tarnishing the reputation associated therewith by offering lower quality clothing bearing Plaintiff's LIGHTS OUT mark that were not authorized for sale.

75. Defendants' unauthorized use of the LIGHTS OUT mark on or in connection with clothing is being done with notice and full knowledge that such use of the LIGHTS OUT mark is not authorized or licensed by Plaintiff.

76. Defendants' aforesaid acts are in knowing and willful violation of Plaintiff's rights in Section 43(c) of the Lanham Act, 15. U.S.C. § 1125(c).

77. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation. Plaintiff is therefore entitled to injunctive relief pursuant to 15 U.S.C. Sections 1116 and 1125(c).

78. As a result of Defendants' illegal activities, Plaintiff has been damaged in an amount to be determined at trial, and including the costs of this action.

COUNT FOUR

(Common Law Trademark Infringement)

(Against All Defendants)

79. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1-78 above herein.

80. Plaintiff has built up valuable goodwill in the LIGHTS OUT mark.

81. With full knowledge of the fame and strong goodwill associated with Plaintiff's LIGHTS OUT mark, Defendants have traded, and continue to trade, on the goodwill associated therewith, misleading the public into assuming an authorized connection between Defendants products and Plaintiff.

1 82. Defendants' acts of trademark infringement cause confusion and mislead
2 and deceive the public as to the source of Defendants' products, permit Defendants to
3 pass off their products as authorized by Plaintiff, and falsely suggest a connection
4 between Defendants and Plaintiff. Unless restrained by this Court, Defendants'
5 unlawful acts will continue, in violation of the common law of the State of California
6 and to the detriment of Plaintiff and the unjust enrichment of Defendants.

7 83. Plaintiff has no adequate remedy at law and, if Defendants' activities are
8 not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its
9 goodwill and reputation. Plaintiff is therefore entitled to injunctive relief.

COUNT FIVE

(California Trademark Dilution)

(California Business and Professions Code § 14247)

(Against All Defendants)

14 84. Plaintiff realleges and incorporates by reference each and every
15 allegation contained in paragraphs 1-83 above herein.

16 85. Defendants have entered the same market as Plaintiff, and have started
17 selling unauthorized products bearing Plaintiff's LIGHTS OUT mark that are lower in
18 quality than Plaintiff's own products, to trade upon the goodwill of Plaintiff's
19 LIGHTS OUT mark.

20 86. Defendants' acts have caused damage to Plaintiff by tarnishing the
21 valuable reputation of and blurring the distinctiveness of the famous LIGHTS OUT
22 mark in violation of California Business and Professions Code § 14247, and will
23 continue to tarnish and destroy the value of the LIGHTS OUT mark unless enjoined
24 by this Court.

25 87. Plaintiff has no adequate remedy at law, and is therefore entitled to
26 injunctive relief.

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COUNT SIX

(California State Unfair Competition)

(California Business and Professions Code §§ 17200 *et seq.*)

(Against All Defendants)

88. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs 1-87 of this Complaint.

89. California Business and Professional Code section 17200, *et seq.* (the “UCL”) prohibits unfair competition, that is, any unlawful, unfair or fraudulent business act or practice.

90. Defendants have committed acts of unfair competition as defined by the UCL. The aforesaid acts by Defendants are likely to cause injury to Plaintiff's reputation and result in Defendants' unfairly competing with Plaintiff in violation of the UCL.

91. Defendants' actions as alleged above violate the "unfair" prong of the UCL because (a) the utility of such actions is outweighed by the gravity of the harm they cause to Plaintiff; (b) such actions are immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers; and (c) such actions constitute incipient violations of state and federal antitrust laws.

92. Defendants' actions as alleged above violate the "fraudulent" prong of the UCL because they are likely to mislead and confuse a statistically significant percentage of reasonable consumers.

93. Defendants' actions as alleged above violate the "unlawful" prong of the UCL because those same actions also constitute violations of the state and federal statutes set forth in the Counts above. Defendants' violation of each of those statutes represents an independently actionable unlawful business practice in violation of the UCL.

94. The UCL provides that the Court may restore to any person in interest any money or property which may have been acquired by means of unfair

competition.

95. As a direct and proximate result of the aforementioned acts by the Defendants, Plaintiff has suffered a monetary loss in an amount to be proven at trial. Accordingly, Plaintiff is entitled to restitution and/or disgorgement of profits realized by Defendants by reason of Defendants' unlawful acts.

96. Defendants' conduct has injured Plaintiff and unless enjoined, will continue to cause great, immediate and irreparable injury to Plaintiff.

97. Plaintiff is without an adequate remedy at law, and is therefore entitled to injunctive relief, equitable relief, and an order for restitutionary disgorgement of all of Defendants' ill-gotten gains pursuant to California Business and Professions Code § 17203.

COUNT SEVEN

(Cybersquatting)

(Federal Anticybersquatting Consumer Protection Act § 1125(d))

(Against All Defendants)

98. Plaintiff realleges and incorporates by reference each and every allegation contained in the preceding paragraphs 1-97 of this Complaint.

99. Long after Plaintiff had established trademark rights to the LIGHTS OUT marks, Defendants registered the domain names LightsOutBilliards.com and LightsOutApparelCompany.com (collectively, “Defendants’ Domain Names”), which fully incorporate Plaintiff’s LIGHTS OUT marks.

100. Defendants have registered, are trafficking and using Defendants' Domain Names in connection with, *inter alia*, the sale of LIGHTS OUT branded apparel. Screenshots of Defendants' websites accessible at LightsOutBilliards.com and LightsOutApparelCompany.com reflecting same are collectively attached hereto as **Exhibit 9**.

101. Defendants, through Defendants' Domain Names, offer the same types of goods as Plaintiff, thus further revealing that Defendants had (at the time they

1 registered Defendants' Domain Names) and continue to have a bad faith intention to
2 make commercial gain from those domain names and are using websites accessible
3 through Defendants' Domain Names to divert actual or potential consumers of
4 Plaintiff to Defendants' own websites.

5 102. Defendants' Domain Names are confusingly similar to Plaintiff's
6 LIGHTS OUT marks and Plaintiff's own domain name, www.LightOutBrand.com,
7 which Plaintiff uses in connection with the sales of its own LIGHTS OUT branded
8 apparel, *inter alia*.

9 103. Defendants have no prior trademark rights in the LIGHTS OUT marks.
10 Instead, Defendants intended to divert actual or potential customers from Plaintiff's
11 websites to Defendants' own websites, for the purpose of harming the goodwill of the
12 LIGHTS OUT marks – both for Defendants' own commercial gain and with intent to
13 tarnish or disparage the LIGHTS OUT marks – by creating a likelihood of confusion
14 as to the source, sponsorship, affiliation and/or endorsement of Defendants' websites.

15 104. Defendants' Domain Names are dilutive of Plaintiff's LIGHTS OUT
16 marks.

17 105. Plaintiff's LIGHTS OUT marks were distinctive and/or famous at the
18 times Defendants registered and/or acquired Defendants' Domain Names.

19 106. As a result of Defendants' cybersquatting, Plaintiff has suffered
20 detriment to its business, goodwill, reputation and profits, all to its damage in an
21 amount yet to be determined, and subject to a treble damages award pursuant to 15
22 U.S.C. § 1117.

23 107. Defendants have and, unless enjoined, will continue to derive unlawful
24 gains and profits as a result of their acts.

25 108. As a result of Defendants' willful misconduct, Plaintiff is entitled to
26 recover statutory attorneys' damages.

27 109. This is an exceptional case under the Lanham Act, and thus Plaintiff is
28 also entitled to recover its attorneys' fees.

110. Plaintiff is entitled to a transfer of all of Defendants' Domain Names to Plaintiff. Alternatively, the Court should order Defendants to forfeit each of these domain names or should order the domain name registrations be cancelled.

111. If the aforesaid acts are permitted to continue, further loss and damage and irreparable injury will be sustained by Plaintiff, for which Plaintiff has no adequate remedy at law.

PRAYER

WHEREFORE, Plaintiff demands judgment as follows:

1. That Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through or under them be preliminarily enjoined and restrained, at first during the pendency of this action and, thereafter, permanently:

a. from using in any manner the LIGHTS OUT mark, alone or in combination with any word or words, as part of a mark, trade name, or domain name, on or in connection with the advertising, offering for sale or sale of any product or service in the clothing field;

b. from passing off, inducing, or enabling others to sell or pass off any product or service as affiliated with, authorized or approved by Plaintiff;

c. from committing any acts calculated to cause purchasers to believe that Defendants' products or services are those sold under the control and supervision of Plaintiff, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of Plaintiff;

d. from further diluting and infringing the LIGHTS OUT mark and damaging Plaintiff's goodwill; and

e. from otherwise competing unfairly with Plaintiff.

2. That Defendants be required upon service of this Complaint to immediately supply Plaintiff with a complete list of all businesses, stores, suppliers, or other business locations that it has reason to believe are now, or have ever been, in

1 possession of unauthorized goods bearing Plaintiff's LIGHTS OUT mark, including
2 without limitation Defendants' supplier(s).

3 3. That Defendants, within thirty (30) days after service of judgment with
4 notice of entry thereof upon it, be required to file with the Court and serve upon
5 Plaintiff a written report under oath with penalty of perjury setting forth in detail the
6 manner in which Defendants have complied with paragraphs 1 through 2, above.

7 4. That Defendants account for and pay over to Plaintiff profits realized by
8 Defendants by reason of Defendants' unlawful acts herein alleged and, that the
9 amount of damages from infringement of the LIGHTS OUT mark be increased by a
10 sum not exceeding three times the amount thereof as provided by law.

11 5. That Plaintiff be awarded damages in an amount to be determined at trial
12 for Defendants' willful infringement of the LIGHTS OUT mark.

13 6. That Plaintiff be awarded punitive damages in an amount to be proven at
14 trial.

15 7. That Plaintiff be awarded reasonable attorneys' fees and have such other
16 and further relief as the Court may deem equitable including, but not limited to, any
17 relief set forth in 15 U.S.C. § 1117.

18 8. That Defendants be ordered to disgorge all of their ill-gotten gains
19 pursuant to California Business and Professions Code § 17203.

20 9. That Defendants' pending trademark applications, serial numbers
21 87100744 and 87113091, be expressly abandoned.

22 10. That Defendants, and anyone acting under their control, be ordered to
23 transfer to Plaintiff the domain names LightsOutBilliards.com and
24 LightsOutApparelCompany.com, as well as any other domain(s) incorporating the
25 LIGHTS OUT mark within Defendants' possession, custody or control.

26 ///

27 ///

28 ///

1 11. For all such further relief as the Court finds proper.
2
3

Dated: August 30, 2016

BRUTZKUS GUBNER

4 By: s/ Jeffrey A. Kobulnick
5 JEFFREY A. KOBULNICK
6 MARK D. BRUTZKUS
7 MICHAEL A. BERNET
8 Attorneys for Plaintiff
9 LIGHTS OUT HOLDINGS, LLC
10 E-mail: jkobulnick@brutzkusgubner.com
mbrutzkus@brutzkusgubner.com
mbernet@brutzkusgubner.com
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1
2
3 **DEMAND FOR JURY TRIAL**
4
5

6 Plaintiff LIGHTS OUT HOLDINGS, LLC hereby demands a trial by jury for
7 all issues so triable in this action.
8
9

10 Dated: August 30, 2016
11

12 BRUTZKUS GUBNER
13

14 By: s/ Jeffrey A. Kobulnick
15 JEFFREY A. KOBULNICK
16 MARK D. BRUTZKUS
17 MICHAEL A. BERNET
18 Attorneys for Plaintiff
19 LIGHTS OUT HOLDINGS, LLC
20 E-mail: jkobulnick@brutzkusgubner.com
21 mbrutzkus@brutzkusgubner.com
22 mbernet@brutzkusgubner.com
23
24
25
26
27
28

1

TABLE OF EXHIBITS TO COMPLAINT

2	Exhibit No.	Description of Exhibit	Page Number
3	Exhibit 1	Lights Out Apparel, LLC – Articles of Organization	28
4	Exhibit 2	Lights Out Apparel, LLC – Active Status	31
5	Exhibit 3	Lights Out Billiards Apparel – Trade Name Registration	33
6	Exhibit 4	Lights Out Billiards Apparel – Active Status	36
7	Exhibit 5	Lights Out '212 USPTO Certificate of Registration	38
8	Exhibit 6	Lights Out '2121 USPTO Assignment	40
9	Exhibit 7	Table of Lights Out Trademarks	42
10	Exhibit 8	Sponsored Pro-Players – Lights Out Billiards Apparel	47

Exhibit 1

CORPORATE CHARTER APPROVAL SHEET

✓ ** EXPEDITED SERVICE **

** KEEP WITH DOCUMENT **

DOCUMENT CODE 40

BUSINESS CODE 20

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____



1000362009433709

ID # W17258112 ACK # 1000362009433709
PAGES: 0002
LIGHTS OUT APPAREL, LLC

MAIL
BACK

05/13/2016 AT 04:26 P WO # 0004636530

New Name _____

FEES REMITTED

Base Fee: 100
Org. & Cap. Fee: 50
Expedite Fee:
Penalty:
State Recordation Tax:
State Transfer Tax:
Certified Copies:
Copy Fee:
Certificates:
Certificate of Status Fee:
Personal Property Filings:
Mail Processing Fee:
Other: 5

TOTAL FEES: 155

Credit Card _____ Check Cash _____

Documents on Checks 15

Approved By: _____

Keyed By: _____

COMMENT(S):

Change of Name
Change of Principal Office
Change of Resident Agent
Change of Resident Agent Address
Resignation of Resident Agent
Designation of Resident Agent
and Resident Agent's Address
Change of Business Code

Adoption of Assumed Name
Other Change(s)

Code _____

Attention: _____

Mail: Names and Address

LEGALZOOM.COM INC.
STE. 100
100 W. BROADWAY
GLENDALE CA 91210

Stamp Work Order and Customer Number HERE

CUST ID:0003419953
WORK ORDER:0004636530
DATE:05-17-2016 11:54 AM
AMT. PAID:\$3,185.00

ARTICLES OF ORGANIZATION

The undersigned, with the intention of creating a Maryland Limited Liability Company files the following Articles of Organization:

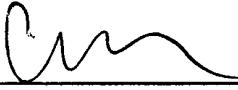
(1) The name of the Limited Liability Company is: Lights Out Apparel, LLC

(2) The purpose for which the Limited Liability Company is filed is as follows: Engaging in the business of Retail Store - Internet sales (including independent sales on an auction site)

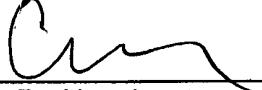
(3) The address of the Limited Liability Company in Maryland is 2812 Whitman Court, Manchester, Maryland 21102

(4) The resident agent of the Limited Liability Company in Maryland is United States Corporation Agents, Inc.

whose address is 6959 Golden Ring Road, Rosedale, MD 21237

(5) 

Cheyenne Moseley, Assistant Secretary

(6) 

Resident Agent

I hereby consent to my designation in this document.
Cheyenne Moseley, Authorized Officer
United States Corporation Agents, Inc.

Signature(s) of Authorized Person(s)

Filing party's return address:

(7) 

C/O LegalZoom.com, Inc.

101 N. Brand Blvd., 11th Floor

Glendale, CA 91203

CUST ID:0003419953
WORK ORDER:0004636530
DATE:05-17-2016 11:54 AM
AMT. PAID:\$3,185.00

Exhibit 2



DEPARTMENT OF ASSESSMENTS & TAXATION


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Business Information

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- [UCC/Security Interest](#)
- [Certificate of Status](#)
- [Rate Stabilization](#)
- [Search Help](#)
- [Image Availability](#)
- [Definitions](#)

Maryland Department of Assessments and Taxation Business Services (w4)

[Search Help](#)**Entity Name: LIGHTS OUT APPAREL, LLC****Department ID: W17258112**[General Information](#)[Amendments](#)[Personal Property](#)[Certificate of Status](#)

Principal Office (Current): 2812 WHITMAN COURT
MANCHESTER, MD 21102

Resident Agent (Current): UNITED STATES CORPORATION AGENTS, INC.
6959 GOLDEN RING ROAD
ROSEDALE, MD 21237

Status: **ACTIVE**

Good Standing: Yes
What does it mean when a business is not in good standing or forfeited?

Business Code: Other

Date of Formation or Registration: 05/13/2016

State of Formation: MD

Stock/Nonstock: N/A

Close/Not Close: Unknown

[New Search](#) [Previous](#)

Exhibit 3

TRADE NAME APPROVAL SHEET

** KEEP WITH DOCUMENT **



1000362009636483

TRANSACTION TYPE

FEES REMITTED

25.00

TN - Trade Name Registration

TA - Amendment

TA1 - Amendment Owner Added

TA2 - Amendment Owner Deleted

TA3 - Amendment Owner Name Change

TA4 - Amendment Location Added

TA5 - Amendment Location Deleted

TA6 - Amendment Location Changed

TC - Cancellation

TR - Renewal

ID #: T00415772 ACK #: 1000362009636483

PAGES: 0002

LIGHTS OUT BILLIARDS APPAREL

06/20/2016 AT 03:27 P WO #: 0004663754

Certified Copies

Copy Fee: _____

Certificates

Certificate of Fact Fee: _____ Other Change(s) _____

TOTAL FEES: 25.00

NO FEE TRANSACTION TYPES

99T - Departmental Action

99TA - Departmental Action - Name Change

220T - Void Non-Payment

220TA - Departmental Action - Amendment

220TA1 - Departmental Action - Owner Added

220TA2 - Departmental Action - Owner Deleted

220TA3 - Departmental Action - Owner Name Change

220TA4 - Departmental Action - Location Added

220TA5 - Departmental Action - Location Deleted

220TA6 - Departmental Action - Location Changed

220TC - Departmental Action - Cancellation

220TR - Departmental Action - Renewal

240T - Departmental Action - Reinstatement

250T - Incorrect ID Number

Code: _____

Attention: _____

Mail to Address:

JACOB R. LAWSON
1265 NEIGHBORS AVE
BALTIMORE MD 21237-2841

Credit Card _____ Check _____ Cash _____

Documents on _____ Checks _____

Approved By: JTB

Keyed By: JTB

COMMENT(S):

CUST ID: 0003447177
WORK ORDER: 0004663754
DATE: 07-29-2016 12:55 PM
AMT. PAID: \$25.00

St
C

State of Maryland
State Department of Assessments and Taxation
Charter Division

TRADE NAME APPLICATION

FILING FEE: \$25.00

EXPEDITED FEE: ADDITIONAL \$50.00 | TOTAL EXPEDITED SERVICE: \$75.00

(Make checks payable to Department of Assessments and Taxation)

Prior to registering the business name of a home improvement company with the Maryland State Department of Assessments and Taxation, an applicant is advised to contact the Commission at 410-230-6171 to ensure a specific name is available.

1) TRADE NAME: (Only one trade name may appear on this line)

Lights Out Billiards Apparel

2) STREET ADDRESS(ES) WHERE NAME IS USED:

2812 Whitman Court

CITY: *Manchester* STATE: *Maryland* ZIP: *21102*

Post office box number is only accepted when part of the physical address.

3) FULL LEGAL NAME OF OWNER OF BUSINESS OR INDIVIDUAL USING THE TRADE NAME:

Jacob Lawson & Zachary Kosoyef

If more than one owner, attach an additional sheet listing each owner with his/her address. Be sure each owner signs this form.

4) If the owner is an individual or general partnership, do they have a personal property account (an "L" number)? Circle one: YES NO

IF YES, WHAT IS THAT NUMBER? _____

IF NO, see item 4 of the Trade Name Application Instructions.

5) ADDRESS OF OWNER: *2812 Whitman Court*

CITY: *Manchester* STATE: *Maryland* ZIP: *21102*

Post office box number is only accepted when part of the physical address.

6) DESCRIPTION OF BUSINESS: *Billiards Apparel, T-shirts, Hats, Hoodies, Jackets, Towels, Beanies*

I affirm and acknowledge under penalties of perjury that the foregoing is true and correct to the best of my knowledge.

Jacob A. Kosoyef CEO
SIGNATURE OF OWNER (AUTHORIZED TITLE)

SIGNATURE OF OWNER (AUTHORIZED TITLE)

Jacob A. Kosoyef \$ 100
SIGNATURE OF OWNER (AUTHORIZED TITLE)

SIGNATURE OF OWNER (AUTHORIZED TITLE)

CUST ID: 0003447177
WORK ORDER: 0004663754
DATE: 07-29-2016 12:55 PM
AMT. PAID: \$25.00

Baltimore, Maryland 21201
3-735-2258 - Toll Free in MD: 1-888-246-5941
maryland.gov

21
RECEIVED
DEPARTMENT OF
ASSESSMENTS & TAXATION
JUN 20 2016
P 3:21

Exhibit 4



DEPARTMENT OF ASSESSMENTS & TAXATION


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Maryland Department of Assessments and Taxation Business Services (w4)

[Search Help](#)**Entity Name: LIGHTS OUT BILLIARDS APPAREL****Department ID: T00415772**[General Information](#)[Amendments](#)[Personal Property](#)[Certificate of Status](#)Status: **ACTIVE**Owner (Primary):
JACOB LAWSON
2812 WHITMAN CT
MANCHESTER, MD 21102Location: **LIGHTS OUT BILLIARDS APPAREL**
2812 WHITMAN COURT
MANCHESTER, MD 21102Renewal Notice Date: **N/A**Expiration Date: **6/20/2021**
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[SOCIAL MEDIA DIRECTORY](#)

301 W. Preston St., Baltimore, MD 21201-2395; (410) 767-1184

Outside the Baltimore Metro Area (888) 246-5941

Maryland Relay (800) 735-2258

Exhibit 5

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,885,212

Registered Sep. 14, 2004

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

LIGHTS OUT

LOOMWORKS APPAREL, INC. (CALIFORNIA
CORPORATION)
2805 MCGAW
IRVINE, CA 92614

FOR: CLOTHING AND SHOES FOR MEN, WOMEN AND CHILDREN, NAMELY, ANKLETS, ANORAKS, ATHLETIC FOOTWEAR, ATHLETIC SHOES, ATHLETIC UNIFORMS, BEACHWEAR, BELTS, BLOUSES, BOOTS, BOTTOMS, BOXER SHORTS, BRASSIERES, BRIEFS, BUSTIERS, CAPS, CARDIGANS, COATS, FOOTWEAR, GLOVES, GOLF SHIRTS, HATS, HEADBANDS, HEADWEAR, INTIMATE APPAREL, JACKETS, JEANS, JERSEYS, JOGGING SUITS, JUMPERS, KNIT SHIRTS, NIGHT WEAR, OVERALLS, OVERCOATS, PAJAMAS,

PANTS, POLO SHIRTS, PULLOVERS, QUILTED VESTS, RAINCOATS, ROBES, SHIRTS, SHOES, SHORTS, SLEEPWEAR, SPORT COATS, SPORT SHIRTS, SWEATERS, SWEATPANTS, SWEAT-SHIRTS, SKIRTS, SOCKS, SWEATSUITS, TANK TOPS, TOPS, TRACKSUITS, TROUSERS, T-SHIRTS, UNDERWEAR, V-NECK SWEATERS, VESTS, WAISTCOATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-11-2004; IN COMMERCE 6-11-2004.

SN 78-213,141, FILED 2-10-2003.

AMY HELLA, EXAMINING ATTORNEY

Exhibit 6



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [78213141](#)

Filing Dt: 02/10/2003

Reg #: [2885212](#)

Reg. Dt: 09/14/2004

Registrant: Loomworks Apparel, Inc.

Mark: LIGHTS OUT

Assignment: 1

Reel/Frame: [3591/0723](#)

Recorded: 07/31/2007

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [LOOMWORKS APPAREL, INC.](#)

Exec Dt: 07/27/2007

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee: [MERRIMAN, SHAWNE D.](#)

1744 POINCIANA DRIVE

EL CAJON, CALIFORNIA 92021

Correspondent: MELISSA WOO

655 WEST BROADWAY

15TH FLOOR

SAN DIEGO, CA 92101

Assignment: 2

Reel/Frame: [3591/0796](#)

Recorded: 07/31/2007

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [LOOMWORKS APPAREL, INC.](#)

Exec Dt: 07/27/2007

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee: [MERRIMAN, SHAWNE D](#)

1744 POINCIANNA DRIVE

EL CAJON, CALIFORNIA 92021

Correspondent: MELISSA W. WOO

655 WEST BROADWAY

15TH FLOOR

SAN DIEGO, CA 92101

Assignment: 3

Reel/Frame: [3706/0221](#)

Recorded: 01/29/2008

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [MERRIMAN, SHAWNE, MR.](#)

Exec Dt: 10/22/2007

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Assignee: [LIGHTS OUT HOLDINGS, LLC](#)

10617 BIRCH BLUFF AVENUE

SAN DIEGO, CALIFORNIA 92131

Correspondent: KATHRYN A. TYLER

2029 CENTURY PARK EAST

19TH FLOOR

LOS ANGELES, CA 90067

Search Results as of: 06/15/2016 10:02 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5

Web interface last modified: July 25, 2014 v.2.5

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Exhibit 6-2

41

<http://assignments.uspto.gov/assignments/q?db=tm&qt=rno&reel=&frame=&sno=&rno=2885212&asnr=&asnri=&asne=&asnei=&asns=&apct=&apcti=&rgst=&r...> 1/1

Exhibit 7

LIGHTS OUT TRADEMARKS

Mark	Reg. No. / Serial No.	Goods/Services
LIGHTS OUT	2885212	Clothing for men, women and children, namely, bottoms, boxer shorts, caps, hats, headwear, night wear, shirts, shorts, sleepwear, sweatshirts, tank tops, tops, T-shirts, underwear.
LIGHTS OUT	3990916	<p>Footballs;</p> <p>Online retail store featuring sporting goods, sports memorabilia, clothing; promoting the goods and services of others through the issuance of product and service endorsements by a sports celebrity, and through advertising appearances for products and services by a sports celebrity;</p> <p>Providing a website featuring a the biography and biographical information about appearances, accomplishments, exploits, and charitable and philanthropic works of a college and professional football player; entertainment services, namely, personal appearances and speeches by a sports celebrity; entertainment services, namely, radio and television appearances and commentary by a sports celebrity.</p>
LIGHTS OUT	4242170	<p>Action figures; collectable toy figures; molded toy figures; play figures; toy figures;</p> <p>Promoting the goods and services of others through licensing of the identity, name, nickname, and image of a sports celebrity.</p>
LIGHTS OUT	4667833	<p>Luggage; tote bags, duffle bags, gym bags, all-purpose sport bags and backpacks; sports luggage and gym bags;</p> <p>Muscle shirts.</p>

Mark	Reg. No. / Serial No.	Goods/Services
LIGHTS OUT	86705594	Monitoring devices not for medical purposes, namely, fitness band that monitors, records and displays physical activity levels, physical inactivity periods, steps walked or ran, distances covered in exercise, exercise levels achieved compared with exercise level goals, calories burned, exercise goal levels based on past exercise, quality of rest and sleep patterns; computer software application for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software for managing information regarding tracking, compliance and motivation with a health and fitness program; multifunctional electronic devices for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, weather information, temperature, wind speed, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; computer software application for managing information regarding tracking, compliance and motivation with a health and fitness program.
LIGHTS OUT	86888080	Footwear, athletic footwear.
THE LIGHTS OUT REPORT	86642283	Sports recruiting services for high school athletes; talent recruiting services in the field of sports; Coaching and instruction services in the field of sports; entertainment services in the nature of organizing and staging showcase events for high school sports players; and education services, namely, providing training programs and scouting reports including scouting sessions and individual training in the fields of sports, and player development; all of the foregoing relating to recruiting services for high school sports players; sports instruction services.
LIGHTS OUT	86613418	Energy drinks, non-alcoholic drinks, namely, energy shots.

Mark	Reg. No. / Serial No.	Goods/Services
LIGHTS OUT NETWORK	86561783	Television transmission and broadcasting services; Entertainment services in the nature of television programs, interactive television programs, contests, competitions, sporting events in the field of sports and fitness; entertainment services, in the nature of pre-game and post-game recaps and analysis, line-up introductions, press conferences, venue announcements, interviews and discussions regarding a particular athlete, sports or games historical documentaries, scenes from movies and TV shows, information regarding athlete drafts and draft picks, and video highlights, previews and analysis, all of the above in the field of sports, sports news, music, film, and theater via television, internet web site, mobile telephones, tablets, gaming consoles; entertainment services, namely, providing a web site featuring non-downloadable video clips, film clips and other multimedia materials all featuring games or sports; entertainment services, namely, provision of on-going multimedia programs in the field of sports distributed via various platforms across multiple forms of transmission media; providing on-line entertainment information in the field of sports and fitness.
LIGHTS OUT TV	86561760	Television transmission and broadcasting services; Entertainment services in the nature of television programs, interactive television programs, contests, competitions, sporting events in the field of sports and fitness; entertainment services, in the nature of pre-game and post-game recaps and analysis, line-up introductions, press conferences, venue announcements, interviews and discussions regarding a particular athlete, sports or games historical documentaries, scenes from movies and TV shows, information regarding athlete drafts and draft picks, and video highlights, previews and analysis, all of the above in the field of sports, sports news, music, film, and theater via television, internet web site, mobile telephones, tablets, gaming consoles; entertainment services, namely, providing a web site featuring non-downloadable video clips, film clips and other multimedia materials all featuring games or sports; entertainment services, namely, provision of on-going multimedia programs in the field of sports distributed via various platforms across multiple forms of transmission media; providing on-line entertainment information in the field of sports and fitness.
LIGHTS OUT	86206433	Solar panels for production of electricity; Solar heat collection panels.

Mark	Reg. No. / Serial No.	Goods/Services
LIGHTS OUT	86182177	Hazardous waste disposal services; collection of e-waste for recycling; Hazardous waste management; recycling services, namely, recycling of electronic e-waste, batteries, textiles and other materials where appropriate.
LIGHTS OUT	86743803	Advertising, marketing and promotion services.
LIGHTS OUT	85968815	Non-medicated cosmetics and skin care products, namely, soaps, creams, lotions, perfume; personal body care products, namely, body polish, massage oil.
LIGHTS OUT	85968807	Home furnishings, namely, pillow cases, pillow shams, draperies, curtains, curtains in the nature of curtain panels, textile curtain tie-backs, unfitted fabric furniture covers; bathroom accessories, namely, large bath towels, bath towels, beach towels, towels, bath sheets; bedding accessories, namely, bed linen, bed blankets, bed covers, bed sheets, bed throws, blanket throws, household linen, sheet sets, woolen blankets, bedspreads, duvet cover, comforters, flat bed sheets; mattress covers; mattress pads.

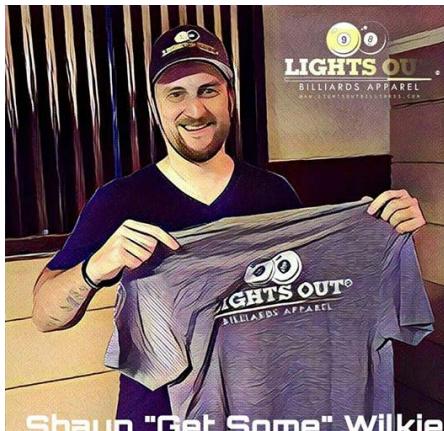
Exhibit 8

LIGHTS OUT BILLIARDS APPAREL

MORE...

CART (0)

Sponsored Pro Player Shaun Wilkie Maryland, U.S.A.



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Sponsored Pro Player Chezka Centeno Philippines



About Chezka

Chezka Centeno (born June 30, 1999)^[1] is a Filipina billiards player from Zamboanga City.^[2]

She is the sixth of seven children.

As young as five years old, Centeno started playing billiards and was discovered at age eight when she participated in local tournaments in her family's hometown. Centeno entered the



3rd Place Finish at the 2016 Eastern State Championship

11 and won third place. At age 12, she was invited to participate at the Kremlin Cup in Russia and managed to finish among the Top 32.[2]

Chezka was born to Fausto Albert and Josephine Centeno and is the sixth of seven children. Her potential was discovered at age eight when she played in local tournaments in the family's hometown. At the age of 11, she joined the Philippine National Games and finished third. And when she was 12, she was invited to the Kremlin Cup in Russia and reached the Top 32 spot. After she was recruited into the national team she participated at the 2014 Asian Junior Championship and was won 1st place under the girls' single category.[2][3]

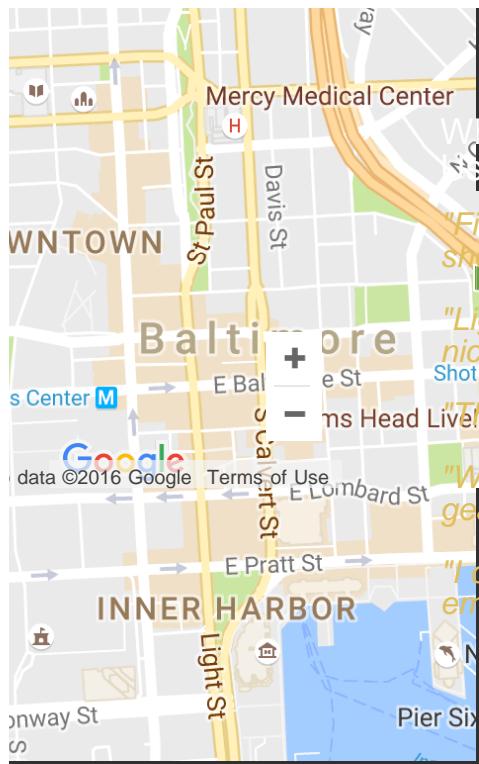
She later won the nine-ball women's single at the 2015 Southeast Asian Games, facing her idol and fellow Filipina, Rubilen Amit in the final.[2][4]

In 2016, Centeno will participate in the World 8-Ball Championship in

Exhibit 8-3

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